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Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF COLIN G.
MCCARTHY IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
DOCUMENTS UNDER SEAL**

Judge: Honorable Howard R. Lloyd
Ctrm: 2

AND RELATED CROSS-ACTIONS

1 I, Colin G. McCarthy, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California. I am an associate with the law firm of Bergeson, LLP, counsel of record for Plaintiff
4 Verigy US, Inc. ("Verigy" or "Plaintiff") in the above-captioned action. I have personal
5 knowledge of the facts set forth in this declaration, and, if called to do so, I could and would
6 competently testify thereto.

7 2. I submit this declaration in support of Verigy's Administrative Motion for Leave to
8 File Documents Under Seal.

9 3. I have reviewed the following materials ("the Materials"):

10 a. Portions of Verigy's Notice of Motion, Memorandum of Points and
11 Authorities ("MPA"), and Motion to Compel Production of Documents from Silicon Test
12 Systems Inc. in Response to Verigy's 4th Set of Requests for Production (collectively "MCP on
13 4th RFP");

14 b. Exhibits A, C, and D to the Declaration of Colin G. McCarthy in support of
15 MCP on 4th RFP;

16 c. Portions of Verigy's Notice of Motion, MPA, and Motion to Compel
17 Discovery Responses from STS, Inc. Re 2nd Set of Interrogatories and 1st Set of Requests for
18 Admissions (collectively "MCP on Interrogatories and RFAs");

19 d. Exhibits A, B, C and D to the Declaration of Colin G. McCarthy in support
20 of MCP on Interrogatories and RFAs;

21 e. Exhibits G and H to the Declaration of Colin G. McCarthy in Support of
22 Verigy's Notice of Motion and Motion to Compel Production of Documents from Defendants in
23 Response to 3rd & 5th Sets of Requests for Production. ("MCP on 3rd & 5th RFP").

24 4. I have determined that these Materials (hereafter "the Materials") disclose
25 information that has been designated as "Confidential" or "Highly Confidential – Attorneys' Eyes
26 Only" by the parties under the protective order, without objection to those designations (although
27 Verigy reserves its rights to challenge such designations pursuant to the Stipulated Protective
28 Order).

5. The confidentiality interest of the parties therefore overcomes the right of public access to the record, as a substantial probability exists that the parties' overriding confidentiality interest will be prejudiced if the record is not sealed. Further, the proposed sealing is narrowly tailored and no less restrictive means exist to achieve this overriding interest.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed this 10th day of September, 2008 at San Jose, California.

Colin G. McCarthy